

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Alex Soular, Jonathan Diamond, and  
Sterling Molby, on behalf of themselves  
and all others similarly situated,

Plaintiffs,

vs.

Northern Tier Energy, LP; Northern Tier  
Energy LLC; Northern Tier Retail  
Holdings, LLC; Northern Tier Retail, LLC  
d/b/a SuperAmerica,

Defendants.

Case No. 15-cv-556 (SRN/KMM)

**CLASS ACTION**

**PLAINTIFFS' MOTION FOR FINAL  
APPROVAL OF SETTLEMENT**

Plaintiffs Alex Soular, Jonathan Diamond, and Sterling Molby ("Plaintiffs"), individually and on behalf of each of the Settlement Class Members move for an order:

1. Certifying, for settlement purposes only, the following Class pursuant to Rule 23 of the Federal Rules of Civil Procedure:

All persons and entities within the United States who received a text message from SuperAmerica to a cellular telephone through the use of an automatic telephone dialing system from January 1, 2012 through April 1, 2015.

2. Determining that notice provided to the Settlement Class was adequate;

3. Granting final approval of the Settlement Agreement reached by the parties and submitted herewith;

4. Issuing an order and final judgment in the forms proposed by the parties and submitted to chambers.

This motion is made on the grounds that: (1) the Settlement Class meets all the requirements for certification of a settlement class; (2) the Notice Program has been adequate and reasonable, has satisfied all requirements of Fed. R. Civ. P. Rule 23(c)(2)(B) and (e)(B), due process, and constituted the best notice practicable under the circumstances; and (3) the Settlement is fair, reasonable, and adequate and is the product of extensive arms-length negotiations between the parties.

This motion is brought pursuant to Fed. R. Civ. P. 23(e) and is based on this Motion, the Memorandum in Support of the Motion, submitted herewith, Declaration of J. Gordon Rudd, Jr., Declaration of Cameron Azari, and the complete file and record in this Action, and such other and further evidence and argument as the Court may choose to entertain.

ZIMMERMAN REED LLP

Dated: July 14, 2017

By: /s/J. Gordon Rudd, Jr.  
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